

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Private Plan Change 20: Titanium Park Limited and
Rukuhia Properties Limited - Airport Northern Precinct
Extension

STATEMENT OF EVIDENCE OF DENZIL GOVENDER

(PLANNING)

Dated 7 March 2023

LACHLAN MULDOWNEY
BARRISTER

P +64 7 834 4336 **M** +64 21 471 490

Office Panama Square, 14 Garden Place, Hamilton

Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240

www.lachlanmuldowney.co.nz

INTRODUCTION

1. My full name is Denzil Govender.
2. My evidence is given as a planner on behalf of Hamilton City Council (**HCC**) in its capacity as a submitter to Private Plan Change 20 (**PC20**) to the Waipā District Plan. I have authority to give evidence on behalf of Hamilton City Council.
3. I am employed by HCC as a Senior Planner within the City Planning Unit, a position I have held since July 2022. My key responsibilities, amongst others, includes providing professional input to plan change-related matters through consultation, submissions, hearings, and participation in cross-organisational projects.
4. I am a qualified Planner and hold a Degree of Bachelor of Technology in Town and Regional Planning, from Durban University of Technology. I have 13 years of planning experience, most of which in an overseas Local Government setting. I have established a working knowledge of the Resource Management Act 1991 (**RMA**) including First Schedule processes.
5. I have been involved in PC20 since September 2022, and was involved in preparing Hamilton City Council's submission and further submission. I am familiar with the site and locality having made site visits to the plan change area. I have reviewed the plan change request and other relevant reports supplied by the applicant and Reporting Officer. I attended all PC20 expert conferencing sessions and signed all four joint witness statements (**JWS**).

CODE OF CONDUCT

6. I have read the Environment Court Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023 and agree to comply with it. I confirm that the opinions expressed in this statement are within my area of expertise except where I state that I have relied on the evidence of other persons. I have not omitted to consider materials or facts known to me that might alter or detract from the opinions I have expressed.

SCOPE OF EVIDENCE

7. This statement of evidence is presented on behalf of HCC and relates to matters raised in its submission and further submission to PC20. I provide my planning opinion that addresses key topics relating to PC20, including on transport, land use, infrastructure and ecology matters.
8. My evidence addresses the following:
 - a) The strategic matters of PC20 in a sub-regional context.
 - b) The land use, ancillary and non-ancillary retail components that affect Hamilton City.
 - c) The transportation effects of the proposed rezoning on Hamilton City.
 - d) The Northern and Airport precinct's wastewater connectivity.
 - e) Matters of ecology regarding Bats and Bat habitat.

9. I have considered expert evidence prepared on behalf of HCC by Mr Vinish Prakash on transport-related matters and Mr Gregory Akehurst on economic matters.

EXECUTIVE SUMMARY

10. HCC's submission is generally supportive of PC20 and recognises the opportunity for the applicant to create a high-quality industrial area of strategic importance given its location adjacent to the Airport and surrounding precincts.
11. Hamilton Airport and the surrounding precincts offer a valuable social and economic resource for the region given its strategic location with existing and future linkages to Hamilton, Auckland, and Tauranga. It is crucial that the type and nature of activities that locate here is well managed to ensure the airport precinct attracts and retains high-value business and employment activity so as to maximise the environmental benefits arising from its co-location with Hamilton Airport.
12. The Airport's precincts, in particular the Northern extension, has the ability to benefit from the advantages of agglomeration economies. Clustering of high-value complementary industries will create a highly desirable economic hub. This should resemble industrial areas around the Auckland and Christchurch Airports which serve as present day exemplars. Economies of scale, industry collaboration, quality supply chain linkages are some of the advantages the Northern precinct can achieve. Hamilton City's existing southern suburbs in particular the planned Peacocke growth cell, serves as a large labour pool and will be able to contribute to the workforce needs of the plan change area and possible future precinct extensions.

13. Through HCC's submission, further submission, and expert caucusing, in my opinion, the following key topics require particular focus which I will unpack in the supporting evidence that follows.

Non-ancillary retail

14. HCC opposes the retail-GFA cap proposed to occur in the Northern Precinct as it goes beyond those retail activities that are required to service the day-to-day needs generated by those working in and visiting the precinct. I consider that the increase of 5000m² GFA of non-ancillary retail will undermine the vitality and viability of other centres to the South of Hamilton and increase out-of-centre trip generation i.e., Glenview, Melville, and planned Peacocke.
15. I have reviewed the economic evidence provided by Mr Gregory Akehurst of Market Economics (**ME**) and adopt the technical findings of this expert.

Ancillary retail (10%)

16. Under PC20, the Northern Precinct proposes to adopt the Operative Waipā District Plan general ancillary retail rule of 50% which will not serve to achieve a high-quality industrial/business environment as high ancillary ratio risks pepper-potting and therefore has the potential to erode the Industrial Zone.

Land use

17. Titanium Park Limited's (**TPL**) corporate overview evidence of Mr Mark Morgan expresses confidence in PC20 to deliver a high-quality modern extension that has a positive community influence. He describes the activities that are likely to establish within the precinct which include

warehouses, manufacturing, logistics, data centres and similar uses¹. HCC supports this vision for the Precinct but, for PC20 to achieve this outcome, it requires further refinement of the Waipā District Council's Airport Business Zone controls which are applied elsewhere across the district and have been incorporated within PC20. These controls allow for a wide range of activities. While this planning approach might be appropriate in other localities, the Airport is of such strategic importance and value to the sub-region that a more nuanced planning approach is required. Furthermore, there is already on-the-ground evidence at the Airport showing the deficiencies of this rule framework which has failed to safeguard this very scarce land resource for productive high-value employment uses. Instead, it has led to lower-value consumptive activities establishing in this area.

Walking and cycling connectivity

18. At the transport and planning expert caucusing, matters related to walking and cycling connectivity were addressed. The experts agreed that there should be a connection between the Northern Precinct and the Peacocke Residential Growth Cell and that it is to be provided as part of the first stage of the Northern Precinct being developed. PC20 proposes a shared path connecting Peacockes Road to the Northern Precinct via Middle Road and Faiping Road.
19. HCC has made a property investment for the purpose of establishing a Southern Wastewater Treatment Plant (**SWWTP**) along the proposed Faiping road walking-cycling route. This route, as proposed, would dissect the wastewater treatment site. The identified need for a SWWTP in this general location was established through the SWWTP Programme Business Case undertaken by the Future Proof partnership. HCC has suggested an

¹ Statement of evidence of Mark Andrew Morgan on behalf of TPL, paras 42, 54.

alternate route for the walking-cycling route that instead of dissecting this site, follows the boundary. This would ensure flexibility during the infrastructure design stage in future. There has been criticism at the caucus around the deviation to the shared path proposed by HCC.

20. The strategic importance of the SWWTP cannot be overstated and it cannot be undermined by PC20. The SWWTP which is strategically important for the entire sub-region will eventually service the Airport and surrounding precincts over time. Placing a walking-cycling route through the centre of this site will jeopardise its operational efficiency and if it was to proceed could lead to a poor environment for cyclists and pedestrians to pass through. It is my firm view that the sub-regional benefits of a well-functioning SWWTP site vastly outweigh the costs of realigning the walking-cycling route.
21. I support expert evidence produced by Mr Prakash regarding the staged approach to the Raynes access/Raynes Road intersection as the design may not adequately restrict light vehicle movements to which Raynes Road access is only provided once Peacockes Road has been upgraded.²

HCC'S OVERARCHING INTEREST IN PC20

22. HCC has the legislated purpose to "meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses".³ HCC's submission and further submission is made in accordance with that purpose.

² Statement of Evidence of Vinish Anand Prakash on behalf of HCC, para 47.

³ Local Government Act 2002 Amendment Act 2012, s(7)(1)(b).

23. There are significant interactions occurring within and across the Hamilton City and Waipā territorial boundaries, which will only get stronger in the future, and this needs to be managed through collaborative strategic processes but also within the detailed planning at a District Plan level. The objective of HCC's submission and further submission is to achieve better, integrated, coordinated planning and infrastructure outcomes for both Hamilton City, Waipā District, and the wider region.
24. HCC is generally supportive of PC20 and its intention to rezone part of the Northern Precinct to enable industrial development. The Airport and surrounding Precincts are situated in a unique strategic location that has the ability to capitalise on the economic benefits of the Golden Triangle linkages.
25. The Airport is an important regional asset and a destination gateway for Hamiltonians and visitors. Both HCC and Waipā District Council are part of the Future Proof partnership which sets a 30-year growth management and implementation plan for the sub region and establishes a collaborative platform for key projects. HCC recognises the Airport to be a significant regional infrastructure resource and the surrounding precincts as key employment nodes, and this gave rise to the HCC submission on PC20 and my evidence which addresses the specific matters around Transport, Land Use, Infrastructure and Ecology.
26. It is crucial for the Airport and surrounding precincts to have successful land-use, infrastructure, and ecological integration with the areas to the South of Hamilton City, in particular the Peacocke Growth Cell. A co-ordinated approach between all relevant stakeholders is needed to ensure a well-functioning transport network is established to support the southern Hamilton workforce and as a new gateway to the city.

27. The Future Proof Strategy signals the importance for a boundaryless approach to planning⁴ regarding growth across the Future Proof sub-region. Future Proof is about how the area should develop into the future, underlying this are fundamental principles which apply in respect of the strategy and its implementation. I state the guiding principles at a later stage of this report.
28. In its submission, further submission, and evidence, HCC:
- a) Supports the proposed rezoning from 'Rural' to 'Airport Business Zone' but has concerns regarding its effect on:
- i. Southern Links;
 - ii. Planning controls;
 - iii. Walking and cycling connectivity;
 - iv. Public transport;
 - v. Existing and proposed intersections;
 - vi. Trip generation;
 - vii. Internal road layout; and
 - viii. Staging.
- b) Opposes the extent of non-industrial activities proposed to be enabled within the PC20 area, in particular the:
- i. Land use controls;
 - ii. Non-ancillary retail cap; and
 - iii. Ancillary retail threshold.

⁴ Future Proof (2022), Section A, The value of Future Proof.

- c) Seeks strong commitment to enabling and connecting the SWWTP.
 - d) Seeks strong integration between the Northern Precinct and surrounding areas regarding the management of bats and bat habitat.
29. Throughout my evidence, I refer to 'high amenity' and 'high value' which are terms used in the HCC submission. I define 'high amenity' in an industrial context as 'an area that maintains industrial land uses, green spaces, high-quality infrastructure, and well-designed buildings that minimise their impact on the environment to achieve a pleasant and attractive environment for workers and the surrounding community'.⁵
30. The terms apply to logistics, specialised manufacturing, warehousing and airside-related activities as these bring agglomeration benefits suited to future industrial activities around an airport node and best leverage the social and economic opportunities that arise from such regionally significant infrastructure as Hamilton Airport.

RELEVANT POLICY CONTEXT

Waikato Regional Policy Statement

31. A change to the Waikato Regional Policy Statement (**WRPS**) is currently underway to incorporate the requirements of the National Policy Statement on Urban Development 2020 (**NPS-UD**) and to reflect the updated Future Proof Strategy.

⁵ HCC – Operative District Plan - Ruakura Industrial Park Zone

32. The NPS-UD requires councils to plan for growth and ensure well-functioning urban environments for all people, communities, and future generations. The NPS-UD contains objectives and policies that councils must give effect to in their resource management decisions, policy statements and plans. The WRPS incorporates key components of the Future Proof Strategy which covers the areas of Waipā and Waikato Districts and Hamilton City.
33. The WRPS provides that management of the built environment in the Future Proof area shall provide for varying levels of commercial development to meet the wider community's social and economic needs through the encouragement and consolidation of such activities in existing commercial centres⁶ and recognises Hamilton CBD as the commercial hub of the Future proof sub-region.
34. There are several growth management directives which the WRPS sets out and is reflected in the Future Proof Strategy which are relevant to PC20, these include⁷:
- a) Development is planned in a way that minimises land use conflicts, including minimising potential for reverse sensitivity issues.
 - b) Locate future industrial land in suitable areas to avoid sensitivity issues and maximise efficient use of existing and planned infrastructure.
 - c) Maintain industrially zoned land for industrial activities.
 - d) Support existing commercial centres.

⁶ Policy 6.16 Commercial development in the Future Proof area.

⁷ Future Proof (2022), Section B, s8 (Pg. 73)

- e) Implement the hierarchy of major commercial centres⁸.

Te Ture Whaimana - the Vision and Strategy for the Waikato River

35. Te Ture Whaimana o Te Awa o Waikato – The Vision and Strategy (**TTW**) presents a unique policy environment for Waipā District Council and all other stakeholders in PC20. TTW is established under the Waikato-Tainui Raupatu Claims Settlement Act 2010 (**Settlement Act**). Its status in an RMA context has been clarified through caselaw, in particular *Puke Coal v Waikato Regional Council* and more recently the Board of Inquiry Decision on the Watercare Waikato River Water Take Proposal, confirming TTW as the “*primary direction-setting document for the Waikato River and activities within its catchment affecting the Waikato River*”.
36. Reading TTW as the primary direction-setting document for the river and activities affecting it, it is clear that the health and wellbeing of the river, including its mana and mauri, are of paramount concern. This is reflected in the first objective: the restoration and protection of the health and wellbeing of the Waikato River. The words “restoration” and “protection” are used in many of the succeeding objectives and are an acknowledgement that the river is degraded and that its water quality must be restored so that it is safe for people to swim in it and take food from it.
37. PC20 is designed to enable increased industrial development within the catchment, and with that, increased pressure and demand on critical three waters infrastructure which is inextricably linked to the River. It is critical that these plan provisions enable development to occur in a manner that gives effect to TTW.

⁸ Future Proof (2022), Section B, Table 1: Future Proof hierarchy of major commercial centres

38. In order for PC20 to give effect to TTW, it must deliver on the objective of restoration and protection of the Waikato River and its catchment. The land use activities enabled under PC20 must, in some proportionate way, contribute to its restoration and protection.

Future Proof

39. The Future Proof Strategy is a 30-year growth management and implementation plan specific to the Hamilton, Waipā and Waikato sub-region within the context of the broader Hamilton-Auckland Corridor and Hamilton-Waikato Metropolitan areas. The strategy provides a framework to manage growth in a collaborative way for the benefit of the Future Proof sub-region both from a community and a physical perspective. This sub-regional approach is needed to manage growth in a staged and coordinated manner and to address complex planning issues, especially cross-boundary matters.

40. The Future Proof Strategy 2022 recognises the Airport specifically as a *'Strategic Industrial Node'* and a priority development area (under Focus Area 5 for the Hamilton-Auckland Corridor Plan). Guiding principle 2.7 of the strategy is particularly relevant in this context:

Ensure commercial and industrial development is located in key growth areas and that it is not located where it undermines the areas of influence of established centres.

41. In relation to PC20, consideration of the relevant guiding principles of the Future Proof Strategy are appropriate. Key guiding principles that are relevant to the plan change are:

- a) Ensure commercial and industrial development is located in key growth areas and that it is not located where it undermines the areas of influence of established centres.

- b) Align the staging and timing of the settlement pattern with the partners' infrastructure and investment plans.
- c) Ensure that planning is integrated with infrastructure and funding decisions.

The Hamilton-Waikato Metropolitan Spatial Plan

- 42. The Hamilton-Waikato Metropolitan Spatial Plan (**MSP**) was approved by the Future Proof Implementation Committee in September 2020. The purpose of the MSP is to ensure Hamilton City and the neighbouring communities within the Waipā and Waikato districts will grow and develop over the next 100 + years creating one of the most liveable places in New Zealand.
- 43. The MSP was developed based on the growth scenario that would see the metropolitan area growing to a population of 500,000, underpinned by the fact that the metro area is one urban system where development and resources are connected and are not limited by local government boundaries. This is an important consideration in the context of this private plan change request.
- 44. There are several transformational moves which the MSP sets out which are relevant to PC20, these include:
 - a) A radical transport shift - a multi-modal transport network, connecting the metro area and facilitating a radical shift to using public transport through the establishment of a rapid and frequent public transport network shaped around where and how our communities will grow;
 - b) A vibrant metro core and lively metropolitan centres - growing Hamilton Central City as our civic, administrative, cultural and

commercial metro core, alongside lively metropolitan centres, well connected by public transport and safe walking and cycling networks, where people can afford to live, work and play; and

- c) A strong and productive economic corridor - establishing an economic corridor that links the highly productive employment areas between the Airport, Ruakura, Hamilton Central City and north to Horotiu and Ngaaruawaahia.
45. The Future Proof partners endorsed a 30 year investment programme for the Metro area in mid-2022. This work acknowledged the need for future high quality bus-based public transport links from the Hamilton City Centre to the Airport via Peacocke. The MSP also gave direction on investigating better connections to the Waikato Expressway from the airport as a priority.

LAND USE CONTROLS

Land use

46. The Northern Precinct and wider Airport node are of significant strategic importance regionally and, through PC20, has the opportunity to set a world class industrial exemplar by strengthening land use provisions and safeguarding airside and aeronautical related activities.
47. Planning controls related to the Northern Precinct should be strengthened to support high-value industrial activities and preclude non-industrial uses from establishing in the area in order to leverage the unique strategic locational advantages it offers.
48. Master Planning is intended to guide the development of the zone towards achieving a well-functioning urban environment. I acknowledge that the

Airport Business Zone Structure Plan S10 has undergone a master planning process. The structure plan incorporates landscaping and building setbacks, however, in order to help mitigate visual effects of industrial development on surrounding non-industrial land uses, design guidelines are needed which include interface controls. A design guide which incorporates the Northern Precinct should be established to achieve development that is visually integrated with future high-value activities.

49. Furthermore, there is no overlay or alternate planning approach to identify and safeguard a portion of the Northern Precinct for airside activities. An area set aside for airside activities does not need to preclude all activities other than airside but should, at a minimum, ensure that activities that are enabled within such an area are complementary to airside activities. To achieve these outcomes, I recommend the following changes:
- a) Refining the objectives and policies and activity status tables relating to the types of businesses the Northern Precinct is intended to accommodate;
 - b) By introducing design guidelines and strengthened design rules relating to landscaping, setbacks, heights and visual amenity; and
 - c) Implementing an 'airside activity overlay' to safeguard part of the Northern Precinct for airside activities and those which are complementary to airside activities.

Non-ancillary retail

50. In accordance with the WRPS directives, the Strategic Framework of the Operative Hamilton City District Plan sets out in Chapter 2⁹ to establish and maintain a hierarchy of viable and vibrant business centres that are the

⁹ HCC, Operative District Plan, Volume 1, Chapter 2 Strategic Framework

focus for retail, commercial, and entertainment activities. It directs activities to locate in the most appropriate centre for their size and role, identifying the expected characteristics of each level in the hierarchy. As part of this overarching policy approach, the Strategic Framework stipulates that Industrial Zoned land is to be safeguarded for industrial purposes, ensuring that the hierarchy is not undermined by restricting the opportunity for retail and commercial land uses to locate outside of those areas identified as being appropriate by the District Plan.

51. A boundaryless approach to planning for growth across the Future Proof sub-region should be adopted to ensure commercial and industrial development is located in key growth areas and that its location does not undermine the areas of influence of established and future centres.
52. The Northern Precinct is in close proximity to the Glenview, Melville, and the future Peacocke Local Centres. The form, function and location of these centres mean that they are best suited to cater to local day-to-day needs of residents living in these areas. The retail offering proposed in the Northern Precinct should be limited in GFA to only service the day-to-day needs and demand generated from within the Northern Precinct. If it enables retail activities at a scale beyond this, it risks undermining the role and function of these other centres.
53. Evidence from Mr Akehurst uses a bottom-up approach that predicts future employment numbers and then goes on to forecast average weekly retail spend of business and workers within the precinct. Relying on Mr Akehurst's evidence, I do not agree with the proposed 5000m² GFA cap – this appears simply as a roll-over of the existing Waipā provisions. I consider that a non-ancillary cap of 1000m² as recommended by Mr Akehurst is a more appropriate cap. This cap will better reflect local retail demand directly associated with workers, and the daily needs of businesses and visitors. A reduced cap will ensure the Airport retail offering

is properly integrated with the surrounding centres hierarchy and does not pull the retail demand from other centres.

54. If there is to be any further retail offering beyond the proposed 1000m² limit, based on Mr Akehurst's evidence, there might be a case for some limited trade retail to locate within the Northern Precinct but again insufficient evidence has been presented to support this. If this was to be advanced, strong controls would be required to ensure these remain trade retail and do not morph into a general retail offering.

Ancillary retail

55. Ancillary retail is proposed to be controlled by the existing definition of 'ancillary retail' in the Operative Waipā District Plan which defines it as a retail activity that is *subordinate and incidental to the principal building or activity conducted on a site, where the items being sold have been manufactured, repaired, produced, processed or grown on the same site.*
56. HCC sought a limit on ancillary retail of 10% of the industrial GFA for any given site. It was pointed out at caucusing that HCC's own rule enabled 50% of the industrial GFA to be used for ancillary retail. As Mr Akehurst identifies, this is significantly higher than other large urban areas in New Zealand where ancillary retail is set at either 10% (in the case of Auckland and Wellington) or in the case of other areas, at a higher percentage, but with an absolute cap limit. It is acknowledged that HCC's ancillary retail rule appears an outlier and I note there is a lengthy planning history to those provisions, driven in part by landowners and developers along Te Rapa straight who had an interest in HCC's 2016 District Plan Review. For this reason, I see no benefit or relevance to the Panel in identifying HCC's rule as a reason why not to accept its submission on this point.

57. The relevant facts are that the provisions HCC seeks will usefully limit the ability of business owners to develop significant retail in the industrial area, and will support other provisions within proposed PC20 that seek to limit retail within the Northern Precinct in order to avoid impacts on existing or planned centres.
58. As Mr Akehurst notes, it would achieve a perverse outcome if the retail cap that was applied to stand alone retail was successful in minimising impacts on surrounding centres, only for the ancillary retail provisions to completely undermine it by facilitating a large amount of large format retail across the Northern Precinct.
59. Allowing a retail component to consume the scarce and high value industrial land in the Northern Precinct in this manner is contrary to the sustainable management of the land resource.
60. Larger scale retail activities in the industrial precincts also have the potential to generate reverse sensitivity effects on the surrounding industrial activities, making the ability to carry out normal industrial business operations more difficult than they should be. Impeding the efficient use of the industrial land should be avoided.
61. For these reasons I consider that ancillary retail should be limited to a truly ancillary component of the main activity. A cap equivalent to 10% of the industrial GFA on any site will achieve this outcome and support the strategic objectives of the Northern Precinct.

TRANSPORT

62. The Airport Northern precinct is within an approximate 2km distance from Hamilton City's southernmost boundary which is surrounded by an existing road network comprising National, arterial, collector and access routes.

Any new development in proximity to this precinct will have an impact on that surrounding road network.

63. Generally, a higher degree of road access and quality of connection is expected to a regional airport and key industrial node. PC20 sits at the key intersection of SH21 and SH3, with traffic heading northbound into Hamilton via Glenview and Northbound via SH21 to Waikato Expressway (**WEx**), southbound from Hamilton City on SH3 and southbound from the WEx via SH21. Therefore, the efficient operation of the network in this locality is fundamental. The locality serves as a distinct node where three flows of traffic in the upper North Island converge. The linkages include south-west from Taranaki King-Country, south from Taupo (and Bay of Plenty) and north from Auckland. The significance of this convergence point is enhanced by the adjacent major regional airport and the country's fourth largest city, Hamilton.
64. Good transport connections are a key enabler of economic development and in order to realise the full economic potential of the wider Airport precinct, high quality transport linkages are required to allow efficient freight movements to promote new businesses to locate and invest here therefore stimulating the subregion and creating jobs.
65. Mr Prakash has identified potential risks arising under PC20 and appropriate solutions. I have been privy to the transport discussions and support the submission points and relief sought.

Walking and Cycling connectivity

66. The transport and planning expert caucusing¹⁰ was held to unpack key submissions and required collaboration between experts and planners to

¹⁰ JWS Transport & Planning (1 & 2).

understand overall views. All attendees agreed that there should be a walking and cycling connection between the Northern Precinct and the Peacocke Residential Growth Cell with some degree of flexibility included in the rule provisions.

67. HCC has made a property investment to the south of Hamilton for the purpose of establishing a potential site for a WWTP or similar wastewater infrastructure. The treatment plant which is strategically important for the sub-region, will eventually service the Airport and surrounding precincts over time. The proposed shared connection path bisects HCC's property along a paper road referred to as Faiping Road. If the path is developed this will seriously inhibit developing this site and could create future operational risks/issues and amenity concerns if cyclists and pedestrians are to travel through the middle of a WWTP.
68. While acknowledging the importance of a shared path connection, there is a need for HCC to protect this strategic land resource. It has not entirely disregarded the proposal, but rather recommend a relatively minor deviation to the shared path (Option 1) which straddles the property fringe leaving the entire property unsevered and available for detailed design. This slight route adjustment will come at a small cost relative to the wider benefit of this future wastewater treatment plant and its operation.

Raynes Road access

69. The development of the Northern Precinct has the potential to increase vehicle movements on Raynes Road north of Narrows Road and in order to mitigate the reverse sensitivity effects, the applicants have proposed a design that will physically inhibit all traffic from turning left onto Raynes Road from the Northern Precinct and all traffic from turning right into the Northern Precinct from Raynes Road.

70. Monitoring was previously suggested to be built into the plan provisions as there could be non-compliance from light motor vehicles regarding the restricted left movement. Mr Prakash is concerned that monitoring may not be a sufficient control.
71. Following caucusing, Mr Prakash has undertaken further analysis and considers that the proposed Raynes access/Raynes Road intersection may not adequately restrict light vehicle movements meaning that the effects on Raynes Road and Peacockes Road may be understated. He confirms that the risk of this occurring could be managed by requiring that the initial stages of development only have access to SH3 and that the Raynes Road access is only provided once Peacockes Road has been upgraded.¹¹ I support that outcome.

Southern Wastewater Treatment Plant

72. Existing Airport activities such as the Hotel, Airport terminal and other ancillary activities are generally known to be serviced by their own wastewater treatment and disposal systems. For example, Titanium Park is understood to tanker accumulated wastewater to the Cambridge Wastewater Treatment Plant for discharge. This is not a sustainable option.
73. Through Future Proof, the Southern Metro Wastewater Detailed Business Case (DBC) has been endorsed by the three-partner and sub-regional partners which investigated the options for a new Wastewater Treatment Plant in the South of Hamilton.
74. The DBC has a number of stages which will lead to a preferred option that is meant to:
- a) Avoid short-term servicing solutions that do not provide long-term

¹¹ Statement of Evidence of Vinish Anand Prakash, para 47.

sustainable solutions;

- b) Provide certainty for land use planning and development;
 - c) Provide for wastewater reticulation and conveyance systems in and around the Airport that supports land development; and
 - d) Offer the opportunity to masterplan an operationally efficient treatment facility future proofed to provide for growth and future demands.
75. There are indications within the PC20 documentation which indicate that the Airport and surrounding precincts are committed to connecting to the SWWTP when it is available. However, I consider that these commitments need to be strengthened. Staging the Northern Precinct development and adding triggers to the plan regarding the requirement to connect to a public wastewater treatment solution is essential to both the sustainability of the Precinct and the SWWTP.

Bats and bat habitat

76. The Waikato Bat Alliance (**Alliance**) is a partnership between Waikato-Tainui, THaWK, Ngā Iwi Tōpū O Waipā, Waikato Regional Council, HCC, Waipā District Council, Waikato District Council, and the Department of Conservation. In establishing the Alliance, the group agreed its role was “to coordinate the collaboration of its members (all with a mandate to protect bat habitat or the bats themselves) and engage productively with stakeholders maximising opportunities to achieve its vision”.
77. The need for a coordinated sub-regional approach to bat and bat habitat protection was recently highlighted through the resource consent process for the Amberfield development in Peacocke, and the recent Peacocke Plan

Change 5 – Peacocke Structure Plan. Both processes emphasised the need to work more collaboratively and develop a unified approach to protecting bat habitat at a landscape-scale. To achieve an integrated approach to bat management and habitat in this wider locality, the planning provisions for the Northern Precinct should follow the principles as set out in the decision on Plan Change 5 to the Operative Hamilton City Council District Plan.

78. Central to those principles is the concept that development contributes to the maintenance of existing bat habitat and compensation for the loss of habitat. Compensation can come in the form of land or financial contributions or similar. Also critical is the requirement for Bat Management Plans to be a requirement of subdivision and land use resource consents, and to be integrated and co-ordinated across territorial boundaries.

CONCLUSION

79. In summary:
- a) I support the expert evidence provided by Mr Akehurst regarding the reduction of the proposed retail GFA cap from 5000m² to 1000m²;
 - b) I support a 10% ancillary retail or 100m² per site cap rule drawing from Mr Akehurst's evidence;
 - c) I consider that the PC20 land use planning controls should be strengthened to support high-value industrial activities through:
 - i. Refining the objectives and policies and activity status tables relating to the types of businesses the Northern Precinct is intended to accommodate;

- ii. By introducing design guidelines and strengthened design rules relating to landscaping, setbacks, heights and visual amenity; and
 - iii. Implementing an 'airside activity overlay' to safeguard part of the Northern Precinct for airside activities and those which are complementary to airside activities;
- d) I consider that proposed Option 1 (Attachment 1 to Mr Prakash's evidence) should be adopted for walking and cycling from the Northern Precinct to Peacockes Road given the property investment made by HCC for future Wastewater infrastructure purposes;
- e) I support the expert evidence from Mr Prakash which recommends staging of the Raynes Road access to align with the Peacockes Road upgrade; and
- f) I support an integrated approach to bat habitat management.

Denzil Govender

7 March 2023